

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 756
93RD GENERAL ASSEMBLY

Reported from the Committee on Professional Registration and Licensing April 12, 2006 with recommendation that House Committee Substitute for Senate Committee Substitute for Senate Bill No. 756 Do Pass by Consent. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

3816L.05C

AN ACT

To repeal sections 195.017, 324.245, 324.247, 324.257, 324.262, 324.265, 324.270, 332.071, 334.103, 334.104, 334.706, 334.708, 334.715, 334.721, 337.500, 337.510, 337.615, 340.222, 340.234, 621.100, and 621.110, RSMo, and to enact in lieu thereof twenty-two new sections relating to licensing and registration of certain professionals.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 195.017, 324.245, 324.247, 324.257, 324.262, 324.265, 324.270, 332.071, 334.103, 334.104, 334.706, 334.708, 334.715, 334.721, 337.500, 337.510, 337.615, 340.222, 340.234, 621.100, and 621.110, RSMo, are repealed and twenty-two new sections enacted in lieu thereof, to be known as sections 195.017, 324.245, 324.247, 324.257, 324.262, 324.265, 324.270, 332.052, 332.071, 334.103, 334.104, 334.706, 334.708, 334.715, 334.721, 337.500, 337.510, 337.615, 340.222, 340.234, 621.100, and 621.110, to read as follows:

195.017. 1. The department of health and senior services shall place a substance in Schedule I if it finds that the substance:

(1) Has high potential for abuse; and

(2) Has no accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision.

2. Schedule I:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

7 (1) The controlled substances listed in this subsection are included in Schedule I;

8 (2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts
9 of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these
10 isomers, esters, ethers and salts is possible within the specific chemical designation:

- 11 (a) Acetyl-alpha-methylfentanyl;
- 12 (b) Acetylmethadol;
- 13 (c) Allylprodine;
- 14 (d) Alphacetylmethadol;
- 15 (e) Alphameprodine;
- 16 (f) Alphamethadol;
- 17 (g) Alpha-methylfentanyl;
- 18 (h) Alpha-methylthiofentanyl;
- 19 (i) Benzethidine;
- 20 (j) Betacetylmethadol;
- 21 (k) Beta-hydroxyfentanyl;
- 22 (l) Beta-hydroxy-3-methylfentanyl;
- 23 (m) Betameprodine;
- 24 (n) Betamethadol;
- 25 (o) Betaprodine;
- 26 (p) Clonitazene;
- 27 (q) Dextromoramide;
- 28 (r) Diampromide;
- 29 (s) Diethylthiambutene;
- 30 (t) Difenoxin;
- 31 (u) Dimenoxadol;
- 32 (v) Dimepheptanol;
- 33 (w) Dimethylthiambutene;
- 34 (x) Dioxaphetyl butyrate;
- 35 (y) Dipipanone;
- 36 (z) Ethylmethylthiambutene;
- 37 (aa) Etonitazene;
- 38 (bb) Etoxidine;
- 39 (cc) Furethidine;
- 40 (dd) Hydroxypethidine;
- 41 (ee) Ketobemidone;
- 42 (ff) Levomoramide;

- 43 (gg) Levophenacymorphan;
- 44 (hh) 3-Methylfentanyl;
- 45 (ii) 3-Methylthiofentanyl;
- 46 (jj) Morpheridine;
- 47 (kk) MPPP;
- 48 (ll) Noracymethadol;
- 49 (mm) Norlevorphanol;
- 50 (nn) Normethadone;
- 51 (oo) Norpipanone;
- 52 (pp) Para-fluorofentanyl;
- 53 (qq) PEPAP;
- 54 (rr) Phenadoxone;
- 55 (ss) Phenampromide;
- 56 (tt) Phenomorphan;
- 57 (uu) Phenoperidine;
- 58 (vv) Piritramide;
- 59 (ww) Proheptazine;
- 60 (xx) Properidine;
- 61 (yy) Propiram;
- 62 (zz) Racemoramide;
- 63 (aaa) Thiofentanyl;
- 64 (bbb) Tilidine;
- 65 (ccc) Trimeperidine;

66 (3) Any of the following opium derivatives, their salts, isomers and salts of isomers
67 unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers
68 is possible within the specific chemical designation:

- 69 (a) Acetorphine;
- 70 (b) Acetyldihydrocodeine;
- 71 (c) Benzylmorphine;
- 72 (d) Codeine methylbromide;
- 73 (e) Codeine-N-Oxide;
- 74 (f) Cyprenorphine;
- 75 (g) Desomorphine;
- 76 (h) Dihydromorphine;
- 77 (i) Drotebanol;
- 78 (j) Etorphine; (except Hydrochloride Salt);

- 79 (k) Heroin;
80 (l) Hydromorphenol;
81 (m) Methyl-desorphanol;
82 (n) Methyl-dihydromorphanol;
83 (o) Morphine methylbromide;
84 (p) Morphine methyl sulfonate;
85 (q) Morphine-N-Oxide;
86 (r) Morphine;
87 (s) Nicocodeine;
88 (t) Nicomorphine;
89 (u) Normorphine;
90 (v) Pholcodine;
91 (w) Thebacon;
92 (4) Any material, compound, mixture or preparation which contains any quantity of the
93 following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically
94 excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within
95 the specific chemical designation:
96 (a) 4-bromo-2,5-dimethoxyamphetamine;
97 (b) 4-bromo-2, 5-dimethoxyphenethylamine;
98 (c) 2,5-dimethoxyamphetamine;
99 (d) 2,5-dimethoxy-4-ethylamphetamine;
100 (e) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;
101 (f) 4-methoxyamphetamine;
102 (g) 5-methoxy-3,4-methylenedioxyamphetamine;
103 (h) 4-methyl-2,5-dimethoxy amphetamine;
104 (i) 3,4-methylenedioxyamphetamine;
105 (j) 3,4-methylenedioxymethamphetamine;
106 (k) 3,4-methylenedioxy-N-ethylamphetamine;
107 (l) N-hydroxy-3, 4-methylenedioxyamphetamine;
108 (m) 3,4,5-trimethoxyamphetamine;
109 (n) Alpha-ethyltryptamine;
110 (o) Benzylpiperazine or B.P.;
111 (p) Bufotenine;
112 (q) Diethyltryptamine;
113 (r) Dimethyltryptamine;
114 (s) Ibogaine;

- 115 (t) Lysergic acid diethylamide;
116 (u) Marijuana; (Marihuana);
117 (v) Mescaline;
118 (w) Parahexyl;
119 (x) Peyote, to include all parts of the plant presently classified botanically as *Lophophora*
120 *Williamsii* Lemaire, whether growing or not; the seeds thereof; any extract from any part of such
121 plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant,
122 its seed or extracts;
123 (y) N-ethyl-3-piperidyl benzilate;
124 (z) N-methyl-3-piperidyl benzilate;
125 (aa) Psilocybin;
126 (bb) Psilocyn;
127 (cc) Tetrahydrocannabinols;
128 (dd) Ethylamine analog of phencyclidine;
129 (ee) Pyrrolidine analog of phencyclidine;
130 (ff) Thiophene analog of phencyclidine;
131 (gg) 1-(3-Trifluoromethylphenyl)piperazine or TFMPP;
132 (hh) 1-(1-(2-thienyl)cyclohexyl) pyrrolidine;
133 (ii) *Salvia divinorum*;
134 (jj) Salvinorin A;
135 (5) Any material, compound, mixture or preparation containing any quantity of the
136 following substances having a depressant effect on the central nervous system, including their
137 salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of
138 isomers is possible within the specific chemical designation:
139 (a) Gamma hydroxybutyric acid;
140 (b) Mecloqualone;
141 (c) Methaqualone;
142 (6) Any material, compound, mixture or preparation containing any quantity of the
143 following substances having a stimulant effect on the central nervous system, including their
144 salts, isomers and salts of isomers:
145 (a) Aminorex;
146 (b) Cathinone;
147 (c) Fenethylamine;
148 (d) Methcathinone;
149 (e) (+)cis-4-methylaminorex ((+)-cis-4,5-dihydro- 4-methyl-5-phenyl-2-oxazoline);
150 (f) N-ethylamphetamine;

- 151 (g) N,N-dimethylamphetamine;
- 152 (7) A temporary listing of substances subject to emergency scheduling under federal law
- 153 shall include any material, compound, mixture or preparation which contains any quantity of the
- 154 following substances:
- 155 (a) N-(1-benzyl-4-piperidyl)-N-phenyl-propanamide (benzylfentanyl), its optical isomers,
- 156 salts and salts of isomers;
- 157 (b) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide (thenylfentanyl), its
- 158 optical isomers, salts and salts of isomers;
- 159 (c) Alpha-Methyltryptamine, or (AMT);
- 160 (d) 5-Methoxy-N,N-Diisopropyltryptamine, or(5-MeO-DIPT);
- 161 (8) Khat, to include all parts of the plant presently classified botanically as catha edulis,
- 162 whether growing or not; the seeds thereof; any extract from any part of such plant; and every
- 163 compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seed or extracts.
- 164 3. The department of health and senior services shall place a substance in Schedule II
- 165 if it finds that:
- 166 (1) The substance has high potential for abuse;
- 167 (2) The substance has currently accepted medical use in treatment in the United States,
- 168 or currently accepted medical use with severe restrictions; and
- 169 (3) The abuse of the substance may lead to severe psychic or physical dependence.
- 170 4. The controlled substances listed in this subsection are included in Schedule II:
- 171 (1) Any of the following substances whether produced directly or indirectly by extraction
- 172 from substances of vegetable origin, or independently by means of chemical synthesis, or by
- 173 combination of extraction and chemical synthesis:
- 174 (a) Opium and opiate and any salt, compound, derivative or preparation of opium or
- 175 opiate, excluding apomorphine, thebaine-derived butorphanol, dextrophan, nalbuphine,
- 176 nalmeferene, naloxone and naltrexone, and their respective salts but including the following:
- 177 a. Raw opium;
- 178 b. Opium extracts;
- 179 c. Opium fluid;
- 180 d. Powdered opium;
- 181 e. Granulated opium;
- 182 f. Tincture of opium;
- 183 g. Codeine;
- 184 h. Ethylmorphine;
- 185 i. Etorphine hydrochloride;
- 186 j. Hydrocodone;

- 187 k. Hydromorphone;
188 l. Metopon;
189 m. Morphine;
190 n. Oxycodone;
191 o. Oxymorphone;
192 p. Thebaine;
193 (b) Any salt, compound, derivative, or preparation thereof which is chemically
194 equivalent or identical with any of the substances referred to in this subdivision, but not
195 including the isoquinoline alkaloids of opium;
196 (c) Opium poppy and poppy straw;
197 (d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and
198 any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical
199 with any of these substances, but not including decocainized coca leaves or extractions which
200 do not contain cocaine or ecgonine;
201 (e) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid
202 or powder form which contains the phenanthrene alkaloids of the opium poppy);
203 (2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts
204 of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within
205 the specific chemical designation, dextrorphan and levopropoxyphene excepted:
206 (a) Alfentanil;
207 (b) Alphaprodine;
208 (c) Anileridine;
209 (d) Bezitramide;
210 (e) Bulk Dextropropoxyphene;
211 (f) Carfentanil;
212 (g) Butyl nitrite;
213 (h) Dihydrocodeine;
214 (i) Diphenoxylate;
215 (j) Fentanyl;
216 (k) Isomethadone;
217 (l) Levo-alphacetylmethadol;
218 (m) Levomethorphan;
219 (n) Levorphanol;
220 (o) Metazocine;
221 (p) Methadone;
222 (q) Meperidine;

- 223 (r) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
224 (s) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane--carboxylic
225 acid;
226 (t) Pethidine;
227 (u) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
228 (v) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
229 (w) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
230 (x) Phenazocine;
231 (y) Piminodine;
232 (z) Racemethorphan;
233 (aa) Racemorphan;
234 (bb) Sufentanil;
235 (3) Any material, compound, mixture, or preparation which contains any quantity of the
236 following substances having a stimulant effect on the central nervous system:
237 (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
238 (b) Methamphetamine, its salts, isomers, and salts of its isomers;
239 (c) Phenmetrazine and its salts;
240 (d) Methylphenidate;
241 (4) Any material, compound, mixture, or preparation which contains any quantity of the
242 following substances having a depressant effect on the central nervous system, including its salts,
243 isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers
244 is possible within the specific chemical designation:
245 (a) Amobarbital;
246 (b) Glutethimide;
247 (c) Pentobarbital;
248 (d) Phencyclidine;
249 (e) Secobarbital;
250 (5) Any material, compound or compound which contains any quantity of nabilone;
251 (6) Any material, compound, mixture, or preparation which contains any quantity of the
252 following substances:
253 (a) Immediate precursor to amphetamine and methamphetamine: Phenylacetone;
254 (b) Immediate precursors to phencyclidine (PCP):
255 a. 1-phenylcyclohexylamine;
256 b. 1-piperidinocyclohexanecarbonitrile (PCC).
257 5. The department of health and senior services shall place a substance in Schedule III
258 if it finds that:

- 259 (1) The substance has a potential for abuse less than the substances listed in Schedules
260 I and II;
- 261 (2) The substance has currently accepted medical use in treatment in the United States;
262 and
- 263 (3) Abuse of the substance may lead to moderate or low physical dependence or high
264 psychological dependence.
- 265 6. The controlled substances listed in this subsection are included in Schedule III:
- 266 (1) Any material, compound, mixture, or preparation which contains any quantity of the
267 following substances having a potential for abuse associated with a stimulant effect on the
268 central nervous system:
- 269 (a) Benzphetamine;
270 (b) Chlorphentermine;
271 (c) Clortermine;
272 (d) Phendimetrazine;
- 273 (2) Any material, compound, mixture or preparation which contains any quantity or salt
274 of the following substances or salts having a depressant effect on the central nervous system:
- 275 (a) Any material, compound, mixture or preparation which contains any quantity or salt
276 of the following substances combined with one or more active medicinal ingredients:
- 277 a. Amobarbital;
278 b. Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers contained in
279 a drug product for which an application has been approved under Section 505 of the Federal
280 Food, Drug, and Cosmetic Act;
- 281 c. Secobarbital;
282 d. Pentobarbital;
- 283 (b) Any suppository dosage form containing any quantity or salt of the following:
- 284 a. Amobarbital;
285 b. Secobarbital;
286 c. Pentobarbital;
- 287 (c) Any substance which contains any quantity of a derivative of barbituric acid or its
288 salt;
- 289 (d) Chlorhexadol;
290 (e) Ketamine, its salts, isomers, and salts of isomers;
291 (f) Lysergic acid;
292 (g) Lysergic acid amide;
293 (h) Methyprylon;
294 (i) Sulfondiethylmethane;

- 295 (j) Sulfonethylmethane;
296 (k) Sulfonmethane;
297 (l) Tiletamine and zolazepam or any salt thereof;
298 (3) Nalorphine;
299 (4) Any material, compound, mixture, or preparation containing limited quantities of any
300 of the following narcotic drugs or their salts:
301 (a) Not more than 1.8 grams of codeine per one hundred milliliters or not more than
302 ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid
303 of opium;
304 (b) Not more than 1.8 grams of codeine per one hundred milliliters or not more than
305 ninety milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized
306 therapeutic amounts;
307 (c) Not more than three hundred milligrams of hydrocodone per one hundred milliliters
308 or not more than fifteen milligrams per dosage unit, with a fourfold or greater quantity of an
309 isoquinoline alkaloid of opium;
310 (d) Not more than three hundred milligrams of hydrocodone per one hundred milliliters
311 or not more than fifteen milligrams per dosage unit, with one or more active nonnarcotic
312 ingredients in recognized therapeutic amounts;
313 (e) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters or more than
314 ninety milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized
315 therapeutic amounts;
316 (f) Not more than three hundred milligrams of ethylmorphine per one hundred milliliters
317 or not more than fifteen milligrams per dosage unit, with one or more active, nonnarcotic
318 ingredients in recognized therapeutic amounts;
319 (g) Not more than five hundred milligrams of opium per one hundred milliliters or per
320 one hundred grams or not more than twenty-five milligrams per dosage unit, with one or more
321 active nonnarcotic ingredients in recognized therapeutic amounts;
322 (h) Not more than fifty milligrams of morphine per one hundred milliliters or per one
323 hundred grams, with one or more active, nonnarcotic ingredients in recognized therapeutic
324 amounts;
325 (5) Any material, compound, mixture, or preparation containing any of the following
326 narcotic drugs or their salts, as set forth in subdivision (6) of this subsection; buprenorphine;
327 (6) Anabolic steroids. Any drug or hormonal substance, chemically and
328 pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids)
329 that promotes muscle growth, except an anabolic steroid which is expressly intended for
330 administration through implants to cattle or other nonhuman species and which has been

331 approved by the Secretary of Health and Human Services for that administration. If any person
332 prescribes, dispenses, or distributes such steroid for human use, such person shall be considered
333 to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this
334 paragraph. Unless specifically excepted or unless listed in another schedule, any material,
335 compound, mixture or preparation containing any quantity of the following substances, including
336 its salts, isomers and salts of isomers whenever the existence of such salts of isomers is possible
337 within the specific chemical designation:

- 338 (a) Boldenone;
- 339 (b) Chlorotestosterone (4-Chlortestosterone);
- 340 (c) Clostebol;
- 341 (d) Dehydrochlormethyltestosterone;
- 342 (e) Dihydrotestosterone (4-Dihydro-testosterone);
- 343 (f) Drostanolone;
- 344 (g) Ethylestrenol;
- 345 (h) Fluoxymesterone;
- 346 (i) Formebolone (Formebolone);
- 347 (j) Mesterolone;
- 348 (k) Methandienone;
- 349 (l) Methandranone;
- 350 (m) Methandriol;
- 351 (n) Methandrostenolone;
- 352 (o) Methenolone;
- 353 (p) Methyltestosterone;
- 354 (q) Mibolerone;
- 355 (r) Nandrolone;
- 356 (s) Norethandrolone;
- 357 (t) Oxandrolone;
- 358 (u) Oxymesterone;
- 359 (v) Oxymetholone;
- 360 (w) Stanolone;
- 361 (x) Stanozolol;
- 362 (y) Testolactone;
- 363 (z) Testosterone;
- 364 (aa) Trenbolone;
- 365 (bb) Any salt, ester, or isomer of a drug or substance described or listed in this
366 subdivision, if that salt, ester or isomer promotes muscle growth except an anabolic steroid

367 which is expressly intended for administration through implants to cattle or other nonhuman
368 species and which has been approved by the Secretary of Health and Human Services for that
369 administration;

370 (7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a
371 United States Food and Drug Administration approved drug product. Some other names for
372 dronabinol: (6aR-trans)-6a,7,8,10a- tetrahydro-6.6.9-trimethyl-3-pentyl-6H-dibenzo (b,d)
373 pyran-1-ol, or (-)- delta-9-(trans)-tetrahydracannabinol);

374 (8) The department of health and senior services may except by rule any compound,
375 mixture, or preparation containing any stimulant or depressant substance listed in subdivisions
376 (1) and (2) of this subsection from the application of all or any part of sections 195.010 to
377 195.320 if the compound, mixture, or preparation contains one or more active medicinal
378 ingredients not having a stimulant or depressant effect on the central nervous system, and if the
379 admixtures are included therein in combinations, quantity, proportion, or concentration that
380 vitiate the potential for abuse of the substances which have a stimulant or depressant effect on
381 the central nervous system.

382 7. The department of health and senior services shall place a substance in Schedule IV
383 if it finds that:

384 (1) The substance has a low potential for abuse relative to substances in Schedule III;

385 (2) The substance has currently accepted medical use in treatment in the United States;
386 and

387 (3) Abuse of the substance may lead to limited physical dependence or psychological
388 dependence relative to the substances in Schedule III.

389 8. The controlled substances listed in this subsection are included in Schedule IV:

390 (1) Any material, compound, mixture, or preparation containing any of the following
391 narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities
392 as set forth below:

393 (a) Not more than one milligram of difenoxin and not less than twenty-five micrograms
394 of atropine sulfate per dosage unit;

395 (b) Dextropropoxyphene (alpha-(+)-4-dimethy-lamino-1, 2-diphenyl-3-methyl-2-
396 propionoxybutane);

397 (c) Any of the following limited quantities of narcotic drugs or their salts, which shall
398 include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer
399 upon the compound, mixture or preparation valuable medicinal qualities other than those
400 possessed by the narcotic drug alone:

401 a. Not more than two hundred milligrams of codeine per one hundred milliliters or per
402 one hundred grams;

- 403 b. Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters
404 or per one hundred grams;
- 405 c. Not more than one hundred milligrams of ethylmorphine per one hundred milliliters
406 or per one hundred grams;
- 407 (2) Any material, compound, mixture or preparation containing any quantity of the
408 following substances, including their salts, isomers, and salts of isomers whenever the existence
409 of those salts, isomers, and salts of isomers is possible within the specific chemical designation:
- 410 (a) Alprazolam;
411 (b) Barbitol;
412 (c) Bromazepam;
413 (d) Camazepam;
414 (e) Chloral betaine;
415 (f) Chloral hydrate;
416 (g) Chlordiazepoxide;
417 (h) Clobazam;
418 (i) Clonazepam;
419 (j) Clorazepate;
420 (k) Clotiazepam;
421 (l) Cloxazolam;
422 (m) Delorazepam;
423 (n) Diazepam;
424 (o) Dichloralphenazone;
425 (p) Estazolam;
426 (q) Ethchlorvynol;
427 (r) Ethinamate;
428 (s) Ethyl loflazepate;
429 (t) Fludiazepam;
430 (u) Flunitrazepam;
431 (v) Flurazepam;
432 (w) Halazepam;
433 (x) Haloxazolam;
434 (y) Ketazolam;
435 (z) Loprazolam;
436 (aa) Lorazepam;
437 (bb) Lormetazepam;
438 (cc) Mebutamate;

- 439 (dd) Medazepam;
- 440 (ee) Meprobamate;
- 441 (ff) Methohexital;
- 442 (gg) Methylphenobarbital;
- 443 (hh) Midazolam;
- 444 (ii) Nimetazepam;
- 445 (jj) Nitrazepam;
- 446 (kk) Nordiazepam;
- 447 (ll) Oxazepam;
- 448 (mm) Oxazolam;
- 449 (nn) Paraldehyde;
- 450 (oo) Petrichloral;
- 451 (pp) Phenobarbital;
- 452 (qq) Pinazepam;
- 453 (rr) Prazepam;
- 454 (ss) Quazepam;
- 455 (tt) Temazepam;
- 456 (uu) Tetrazepam;
- 457 (vv) Triazolam;
- 458 (ww) Zaleplon;
- 459 (xx) Zolpidem;

460 (3) Any material, compound, mixture, or preparation which contains any quantity of the
461 following substance including its salts, isomers and salts of isomers whenever the existence of
462 such salts, isomers and salts of isomers is possible: fenfluramine;

463 (4) Any material, compound, mixture or preparation containing any quantity of the
464 following substances having a stimulant effect on the central nervous system, including their
465 salts, isomers and salts of isomers:

- 466 (a) Cathine ((+)-norpseudoephedrine);
- 467 (b) Diethylpropion;
- 468 (c) Fencamfamin;
- 469 (d) Fenproporex;
- 470 (e) Mazindol;
- 471 (f) Mefenorex;
- 472 (g) Modafinil;
- 473 (h) Pemoline, including organometallic complexes and chelates thereof;
- 474 (i) Phentermine;

475 (j) Pipradrol;
476 (k) Sibutramine;
477 (l) SPA ((-)-1-dimethylamino-1,2-diphenylethane);
478 (5) Any material, compound, mixture or preparation containing any quantity of the
479 following substance, including its salts:
480 (a) butorphanol;
481 (b) pentazocine;
482 (6) Ephedrine, its salts, optical isomers and salts of optical isomers, when the substance
483 is the only active medicinal ingredient;
484 (7) The department of health and senior services may except by rule any compound,
485 mixture, or preparation containing any depressant substance listed in subdivision (1) of this
486 subsection from the application of all or any part of sections 195.010 to 195.320 if the
487 compound, mixture, or preparation contains one or more active medicinal ingredients not having
488 a depressant effect on the central nervous system, and if the admixtures are included therein in
489 combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the
490 substances which have a depressant effect on the central nervous system.
491 9. The department of health and senior services shall place a substance in Schedule V
492 if it finds that:
493 (1) The substance has low potential for abuse relative to the controlled substances listed
494 in Schedule IV;
495 (2) The substance has currently accepted medical use in treatment in the United States;
496 and
497 (3) The substance has limited physical dependence or psychological dependence liability
498 relative to the controlled substances listed in Schedule IV.
499 10. The controlled substances listed in this subsection are included in Schedule V:
500 (1) Any compound, mixture or preparation containing any of the following narcotic
501 drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set
502 forth below, which also contains one or more nonnarcotic active medicinal ingredients in
503 sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal
504 qualities other than those possessed by the narcotic drug alone:
505 (a) Not more than two and five-tenths milligrams of diphenoxylate and not less than
506 twenty-five micrograms of atropine sulfate per dosage unit;
507 (b) Not more than one hundred milligrams of opium per one hundred milliliters or per
508 one hundred grams;
509 (c) Not more than five-tenths milligram of difenoxin and not less than twenty-five
510 micrograms of atropine sulfate per dosage unit;

511 (2) Any material, compound, mixture or preparation which contains any quantity of the
512 following substance having a stimulant effect on the central nervous system including its salts,
513 isomers and salts of isomers: pyrovalerone;

514 (3) Any compound, mixture, or preparation containing any detectable quantity of
515 pseudoephedrine or its salts or optical isomers, or salts of optical isomers or any compound,
516 mixture, or preparation containing any detectable quantity of ephedrine or its salts or optical
517 isomers, or salts of optical isomers.

518 11. If any compound, mixture, or preparation as specified in subdivision (3) of
519 subsection 10 of this section is dispensed, sold, or distributed in a pharmacy without a
520 prescription:

521 (1) All packages of any compound, mixture, or preparation containing any detectable
522 quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers or ephedrine,
523 its salts or optical isomers, or salts of optical isomers, shall be offered for sale only from behind
524 a pharmacy counter where the public is not permitted, and only by a registered pharmacist or
525 registered pharmacy technician; and

526 (2) Any person purchasing, receiving or otherwise acquiring any compound, mixture,
527 or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers,
528 or salts of optical isomers or ephedrine, its salts or optical isomers, or salts of optical isomers
529 shall be at least eighteen years of age; and

530 (3) The pharmacist or registered pharmacy technician shall require any person
531 purchasing, receiving or otherwise acquiring such compound, mixture, or preparation, who is not
532 known to the pharmacist or registered pharmacy technician, to furnish suitable photo
533 identification showing the date of birth of the person.

534 12. Within ninety days of the enactment of this section, pharmacists and registered
535 pharmacy technicians shall implement and maintain a written or electronic log of each
536 transaction. Such log shall include the following information:

537 (1) The name and address of the purchaser;

538 (2) The amount of the compound, mixture, or preparation purchased;

539 (3) The date of each purchase; and

540 (4) The name or initials of the pharmacist or registered pharmacy technician who
541 dispensed the compound, mixture, or preparation to the purchaser.

542 13. No person shall dispense, sell, purchase, receive, or otherwise acquire quantities
543 greater than those specified in this chapter.

544 14. Within thirty days of the enactment of this section, all persons who dispense or offer
545 for sale pseudoephedrine and ephedrine products in a pharmacy shall ensure that all such
546 products are located only behind a pharmacy counter where the public is not permitted.

547 15. Within thirty days of the enactment of this section, any business entity which sells
548 ephedrine or pseudoephedrine products in the course of legitimate business which is in the
549 possession of pseudoephedrine and ephedrine products, and which does not have a state and
550 federal controlled substances registration, shall return these products to a manufacturer or
551 distributor or transfer them to an authorized controlled substances registrant.

552 16. Any person who knowingly or recklessly violates the provisions of subsections 11
553 to 15 of this section is guilty of a class A misdemeanor.

554 17. The scheduling of substances specified in subdivision (3) of subsection 10 of this
555 section and subsections 11, 12, 14, and 15 of this section shall not apply to any compounds,
556 mixtures, or preparations that are in liquid or liquid-filled gel capsule form **or to any compound,**
557 **mixture, or preparation specified in subdivision (3) of subsection 10 of this section which**
558 **must be dispensed, sold, or distributed in a pharmacy pursuant to a prescription.**

559 18. The manufacturer of a drug product or another interested party may apply with the
560 department of health and senior services for an exemption from this section. The department of
561 health and senior services may grant an exemption by rule from this section if the department
562 finds the drug product is not used in the illegal manufacture of methamphetamine or other
563 controlled or dangerous substances. The department of health and senior services shall rely on
564 reports from law enforcement and law enforcement evidentiary laboratories in determining if the
565 proposed product can be used to manufacture illicit controlled substances.

566 19. The department of health and senior services shall revise and republish the schedules
567 annually.

568 20. The department of health and senior services shall promulgate rules under chapter
569 536, RSMo, regarding the security and storage of Schedule V controlled substances, as described
570 in subdivision (3) of subsection 10 of this section, for distributors as registered by the department
571 of health and senior services.

324.245. 1. The board is authorized to promulgate rules and regulations regarding:

2 (1) The content of license applications and the procedures for filing an application for
3 an initial or renewal license in this state;

4 (2) The content, conduct and administration of the licensing examination required by
5 section 324.265;

6 (3) Educational requirements for licensure, including, but not limited to, provisions that
7 allow clock hours of supervised instruction at a vocational-technical school;

8 (4) The standards and methods to be used in assessing competency as a massage
9 therapist;

10 (5) All applicable fees, set at an amount which shall not substantially exceed the cost and
11 expense of administering sections 324.240 to 324.275; [and]

12 (6) Establishment of procedures for granting reciprocity with other states, including
13 states which do not have massage therapy licensing laws or states whose licensing laws are not
14 substantially the same as those of this state; and

15 (7) **Establishment of requirements for granting a license, as defined by rule, to a**
16 **person who has completed an approved massage therapy program in another state that is**
17 **less than five hundred hours.**

18 2. All funds received by the board pursuant to the provisions of sections 324.240 to
19 324.275 shall be collected by the director who shall transmit the funds to the department of
20 revenue for deposit in the state treasury to the credit of the "Massage Therapy Fund" which is
21 hereby created. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, money
22 in this fund shall not be transferred and placed to the credit of general revenue until the amount
23 in the fund at the end of the biennium exceeds three times the amount of the appropriation from
24 the fund for the preceding fiscal year.

25 3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
26 is promulgated to administer and enforce sections 324.240 to 324.275, shall become effective
27 only if the agency has fully complied with all of the requirements of chapter 536, RSMo,
28 including but not limited to, section 536.028, RSMo, if applicable, after August 28, 1998. If the
29 provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and
30 if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, to
31 review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held
32 unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed
33 and contained in the order of rulemaking shall be invalid and void, except that nothing in this
34 section shall affect the validity of any rule adopted and promulgated prior to August 28, 1998.

324.247. A person desiring to receive a license to operate a massage business in the state
2 of Missouri shall file a written application with the board on a form prescribed by the division
3 and pay the appropriate required fee. **It shall be unlawful for a business to employ or contract**
4 **with any person in this state to provide massage therapy as defined in subdivision (7) of**
5 **section 324.240 unless such person has obtained a license as provided by this chapter.**
6 **Failure to comply with the provisions of this section shall be cause to discipline the licensee.**

324.257. After completion of each board survey inspection, a written report of the
2 findings with respect to the massage business' compliance or noncompliance with the provisions
3 of sections 324.240 to 324.275 and the standards established hereunder as well as a list of
4 deficiencies found shall be prepared. A copy of the report and the list of deficiencies found shall
5 be sent to the massage business within [fifteen] **thirty** business days following the survey
6 inspection. The list of deficiencies shall specifically state the statute or rule which the massage
7 business is alleged to have violated. If the massage business acknowledges the deficiencies

8 found by the survey inspection, the massage business shall inform the board of the time
9 necessary for compliance and shall file a plan of correction with the board. If the massage
10 business does not acknowledge the deficiencies, or file an acceptable plan of correction with the
11 board or timely complete an acceptable plan of correction, the board may file a complaint with
12 the administrative hearing commission as set forth and as provided in sections 324.240 to
13 324.275.

324.262. 1. The board may refuse to issue, renew or reinstate any license required by
2 sections 324.240 to 324.275 for one or any combination of causes stated in subsection 2 of this
3 section. The board shall notify the applicant in writing of the reasons for the refusal and shall
4 advise the applicant of his or her right to file a complaint with the administrative hearing
5 commission as provided by chapter 621, RSMo.

6 2. The board may cause a complaint to be filed with the administrative hearing
7 commission as provided by chapter 621, RSMo, against any holder of any license issued
8 pursuant to sections 324.240 to 324.275 or any person who has failed to renew or has
9 surrendered his or her license for any one or any combination of the following causes:

10 (1) The person has been finally adjudicated and found guilty, or entered a plea of guilty
11 or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United
12 States, for any offense reasonably related to the qualifications, functions or duties of the
13 profession regulated pursuant to sections 324.240 to 324.275, for any offense an essential
14 element of which is fraud, dishonesty or an act of violence, or for any offense involving moral
15 turpitude, whether or not sentence is imposed;

16 (2) Use of fraud, deception, misrepresentation or bribery in securing any license issued
17 pursuant to sections 324.240 to 324.275 or in obtaining permission to take any examination
18 given or required pursuant to sections 324.240 to 324.275;

19 (3) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by
20 fraud, deception or misrepresentation;

21 (4) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty
22 in the performance of the functions or duties of the profession regulated by sections 324.240 to
23 324.275;

24 (5) Violation of, or assisting or enabling any person to violate, any provision of sections
25 324.240 to 324.275, or of any lawful rule or regulation adopted pursuant to sections 324.240 to
26 324.275, **including providing massage therapy under subdivision (7) of section 324.240 at**
27 **a massage business as defined in subdivision (5) of section 324.240 that is not licensed**
28 **under this chapter;**

29 (6) Impersonation of any person holding a license or allowing any other person to use
30 his or her certificate or diploma from any school;

31 (7) Disciplinary action against the holder of a license or other right to practice the
32 profession regulated by sections 324.240 to 324.275 granted by another state, territory, federal
33 agency or country upon grounds for which revocation or suspension is authorized in this state;

34 (8) A person is finally adjudged insane or incompetent by a court of competent
35 jurisdiction;

36 (9) Issuance of a license based upon a material mistake of fact;

37 (10) Use of any advertisement or solicitation which is false, misleading or deceptive to
38 the general public or persons to whom the advertisement or solicitation is primarily directed.

39 3. Any person, organization, association or corporation who reports or provides
40 information to the division pursuant to the provisions of sections 324.240 to 324.275 and who
41 does so in good faith and without negligence shall not be subject to an action for civil damages
42 as a result thereof.

43 4. After the filing of a complaint pursuant to subsection 2 of this section, the proceedings
44 shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by
45 the administrative hearing commission that one or more of the grounds for disciplinary action
46 provided in subsection 2 of this section are met, the board may, singly or in combination, censure
47 or place the person named in the complaint on probation or suspension or revoke the license of
48 the person on such terms and conditions as the division deems appropriate.

324.265. 1. A person desiring a license to practice massage therapy shall be at least
2 eighteen years of age, shall pay the appropriate required application fee, and shall submit
3 satisfactory evidence to the board of meeting at least one of the following requirements:

4 (1) Has passed a statistically valid examination on therapeutic massage and body work
5 which is approved by the board, prior to August 28, 1999, and applies for such license by
6 December 31, 2000; or

7 (2) Completing massage therapy studies consisting of at least five hundred hours of
8 supervised instruction and subsequently passing an examination approved by the board. The
9 examination may consist of school examinations. The course of instruction shall be approved
10 by the board. The five hundred hours shall consist of three hundred hours dedicated to massage
11 theory and practice techniques, one hundred hours dedicated to the study of anatomy and
12 physiology, fifty hours dedicated to business practice, professional ethics, hygiene and massage
13 law in the state of Missouri, and fifty hours dedicated to ancillary therapies, including
14 cardiopulmonary resuscitation (CPR) and first aid; or

15 (3) Has completed five hundred hours in an apprenticeship with a certified mentor and
16 has successfully passed an examination approved by the board; or

17 (4) Has been licensed or registered as a massage therapist in another state, territory or
18 commonwealth or the District of Columbia, which maintains standards of practice and licensure
19 which substantially conform to the requirements in force in this state;

20 (5) Has been engaged in the practice of massage therapy for at least ten years prior to
21 August 28, 1999, and applies for such license by December 31, 2000; or

22 (6) Has been in the practice of massage therapy for at least three years prior to August
23 28, 1999, has completed at least one hundred hours of formal training in massage approved by
24 the board and applies for such license by December 31, 2000.

25 2. A person who has practiced less than three years or has less than one hundred hours
26 of training may request a waiver of the requirements of subsection 1 of this section and apply for
27 a temporary two-year license which shall not be renewable. By the end of such two-year period,
28 such person shall complete at least one hundred additional hours of formal training, including
29 at least twenty-five hours in anatomy and physiology, in a school approved by the board. Such
30 person shall have until December 31, 2000, to apply for a temporary license pursuant to this
31 subsection.

32 3. Each license issued pursuant to the provisions of this section shall [be valid for two
33 years and shall] expire on its renewal date. The board shall renew any license upon:

34 (1) Application for renewal;

35 (2) Proof, **as provided by rule**, that the therapist has completed twelve hours of
36 continuing education; and

37 (3) Payment of the appropriate renewal fee.

38

39 **Failure to obtain the required continuing education hours, submit satisfactory evidence,**
40 **or maintain required documentation is a violation of this subsection. As provided by rule,**
41 **the board may waive or extend the time requirements for completion of continuing**
42 **education for reasons related to health, military service, foreign residency, or other good**
43 **cause. All requests for waivers or extensions of time shall be made in writing and**
44 **submitted to the board before the renewal date.**

45 4. An applicant who possesses the qualifications specified in subsection 2 of this section
46 to take the examination approved by the board may be granted a provisional license to engage
47 in the practice of massage therapy until the date of the next examination, and thereafter until the
48 results of the examination are known.

49 5. As determined by the board, students making substantial progress toward completion
50 of their training in an approved curriculum shall be granted a student license for the purpose of
51 practicing massage therapy on the public while under the supervision of a massage therapy
52 instructor.

53 6. A provisional license may, at the discretion of the board, be renewed once, and a
54 student license may be renewed until the student completes such student's training.

55 7. The following practitioners are exempt from the provisions of this section upon filing
56 written proof with the board that they meet one or more of the following:

57 (1) Persons who act under a Missouri state license, registration, or certification and
58 perform soft tissue manipulation within their scope of practice;

59 (2) Persons who restrict their manipulation of the soft tissues of the human body to the
60 hands, feet or ears;

61 (3) Persons who use touch and words to deepen awareness of existing patterns of
62 movement in the human body as well as to suggest new possibilities of movement;

63 (4) Persons who manipulate the human body above the neck, below the elbow, and
64 below the knee and do not disrobe the client in performing such manipulation.

65 **8. Any nonresident person licensed, registered, or certified by another state or**
66 **territory of the United States, the District of Columbia, or foreign territory or recognized**
67 **certification system determined as acceptable by the board shall be exempt from licensure**
68 **as defined in this chapter, if such persons are incidentally called into the state to teach a**
69 **course related to massage or bodywork therapy or to provide massage therapy services as**
70 **part of an emergency response team working in conjunction with disaster relief officials.**

71 **9. Any nonresident person holding a current license, registration, or certification**
72 **in massage therapy from another state or recognized national certification system**
73 **determined as acceptable by the board shall be exempt from licensure as defined in this**
74 **chapter when temporarily present in this state for the purpose of providing massage**
75 **therapy services at special events such as conventions, sporting events, educational field**
76 **trips, conferences, and traveling shows or exhibitions.**

324.270. A person who does not hold a license to practice massage therapy or a license
2 to operate a massage business or is not exempted from obtaining a license pursuant to subsection
3 7 of section 324.265 shall not use the words "massage", "body work", or any of their synonyms
4 on any sign or in any other form of advertising, unless specifically exempted by the board. [Any
5 advertisement by a massage therapist or a massage business shall contain the license or
6 registration number of such therapist or business.] **The division or board may, in its discretion,**
7 **contract with legal counsel for legal services, not directly related to pending litigation,**
8 **which it deems necessary for the administration or enforcement of the provisions of this**
9 **chapter.**

332.052. 1. Dentists shall maintain an adequate and complete patient record for
2 **each patient and may maintain electronic records provided the record-keeping format is**
3 **capable of being printed for review by the board.**

2. Patient records remaining under the care, custody and control of the licensees shall be maintained by the licensee, or the licensee's designee, for a minimum of seven years from the date of when the last professional service was provided or in the case of a minor, seven years from the age of majority.

3. Any correction, addition, or change in any patient record made more than forty-eight hours after the final entry is entered in the record as an addendum, shall be clearly marked and identified as such, and the date, time, and name of the person making the correction, addition, or change shall be included, as well as the reason for the correction, addition, or change.

4. Dentists and nondentists shall maintain copies of laboratory work orders for seven years.

332.071. A person or other entity "practices dentistry" within the meaning of this chapter who:

(1) Undertakes to do or perform dental work or dental services or dental operations or oral surgery, by any means or methods, including the use of lasers, gratuitously or for a salary or fee or other reward, paid directly or indirectly to the person or to any other person or entity;

(2) Diagnoses or professes to diagnose, prescribes for or professes to prescribe for, treats or professes to treat, any disease, pain, deformity, deficiency, injury or physical condition of human teeth or adjacent structures or treats or professes to treat any disease or disorder or lesions of the oral regions;

(3) Attempts to or does replace or restore a part or portion of a human tooth;

(4) Attempts to or does extract human teeth or attempts to or does correct malformations of human teeth or jaws;

(5) Attempts to or does adjust an appliance or appliances for use in or used in connection with malposed teeth in the human mouth;

(6) Interprets or professes to interpret or read dental radiographs;

(7) Administers an anesthetic in connection with dental services or dental operations or dental surgery;

(8) Undertakes to or does remove hard and soft deposits from or polishes natural and restored surfaces of teeth;

(9) Uses or permits to be used for the person's benefit or for the benefit of any other person or other entity the following titles or words in connection with the person's name: "Doctor", "Dentist", "Dr.", "D.D.S.", or "D.M.D.", or any other letters, titles, degrees or descriptive matter which directly or indirectly indicate or imply that the person is willing or able to perform any type of dental service for any person or persons, or uses or permits the use of for the person's benefit or for the benefit of any other person or other entity any card, directory,

26 poster, sign or any other means by which the person indicates or implies or represents that the
27 person is willing or able to perform any type of dental services or operation for any person;

28 (10) Directly or indirectly owns, leases, operates, maintains, manages or conducts an
29 office or establishment of any kind in which dental services or dental operations of any kind are
30 performed for any purpose; but this section shall not be construed to prevent owners or lessees
31 of real estate from lawfully leasing premises to those who are qualified to practice dentistry
32 within the meaning of this chapter;

33 (11) Controls, influences, attempts to control or influence, or otherwise interferes with
34 the dentist's independent professional judgment regarding the diagnosis or treatment of a dental
35 disease, disorder, or physical condition except that any opinion rendered by any health care
36 professional licensed under this chapter or chapter 330, 331, 334, 335, 336, 337, or 338, RSMo,
37 regarding the diagnosis, treatment, disorder, or physical condition of any patient shall not be
38 construed to control, influence, attempt to control or influence or otherwise interfere with a
39 dentist's independent professional judgment;

40 (12) Constructs, supplies, reproduces or repairs any prosthetic denture, bridge, artificial
41 restoration, appliance or other structure to be used or worn as a substitute for natural teeth,
42 except when one, not a registered and licensed dentist, does so pursuant to a written uniform
43 laboratory work order, in the form [to be] prescribed by the board [and copies of which shall be
44 retained by the nondentist for two years], of a dentist registered and currently licensed in
45 Missouri and which the substitute in this subdivision described is constructed upon or by use of
46 casts or models made from an impression furnished by a dentist registered and currently licensed
47 in Missouri;

48 (13) Attempts to or does place any substitute described in subdivision (12) of this section
49 in a human mouth or attempts to or professes to adjust any substitute or delivers any substitute
50 to any person other than the dentist upon whose order the work in producing the substitute was
51 performed;

52 (14) Advertises, solicits, or offers to or does sell or deliver any substitute described in
53 subdivision (12) of this section or offers to or does sell the person's services in constructing,
54 reproducing, supplying or repairing the substitute to any person other than a registered and
55 licensed dentist in Missouri;

56 (15) Undertakes to do or perform any physical evaluation of a patient in the person's
57 office or in a hospital, clinic, or other medical or dental facility prior to or incident to the
58 performance of any dental services, dental operations, or dental surgery;

59 (16) Reviews examination findings, x-rays, or other patient data to make judgments or
60 decisions about the dental care rendered to a patient in this state.

334.103. 1. [The license of a physician] **A license issued under this chapter by the Missouri State Board of Registration for the Healing Arts** shall be automatically revoked at such time as the final trial proceedings are concluded whereby a [physician] **licensee** has been adjudicated and found guilty, or has entered a plea of guilty or nolo contendere, in a felony criminal prosecution under the laws of the state of Missouri, the laws of any other state, or the laws of the United States of America for any offense reasonably related to the qualifications, functions or duties of [a physician] **their profession**, or for any felony offense, an essential element of which is fraud, dishonesty or an act of violence, or for any felony offense involving moral turpitude, whether or not sentence is imposed, or, upon the final and unconditional revocation of the license [of a physician] to practice [the healing arts] **their profession** in another state or territory upon grounds for which revocation is authorized in this state following a review of the record of the proceedings and upon a formal motion of the state board of registration for the healing arts. The license of any such [physician] **licensee** shall be automatically reinstated if the conviction or the revocation is ultimately set aside upon final appeal in any court of competent jurisdiction.

2. Anyone who has been denied a license, permit or certificate to practice in another state shall automatically be denied a license to practice in this state. However, the board of healing arts may set up other qualifications by which such person may ultimately be qualified and licensed to practice in Missouri.

334.104. 1. A physician may enter into collaborative practice arrangements with registered professional nurses. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the registered professional nurse and is consistent with that nurse's skill, training and competence.

2. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer, dispense or prescribe drugs and provide treatment if the registered professional nurse is an advanced practice nurse as defined in subdivision (2) of section 335.016, RSMo. Such collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services.

3. The state board of registration for the healing arts pursuant to section 334.125 and the board of nursing pursuant to section 335.036, RSMo, may jointly promulgate rules regulating the use of collaborative practice arrangements. Such rules shall be limited to specifying

18 geographic areas to be covered, the methods of treatment that may be covered by collaborative
19 practice arrangements and the requirements for review of services provided pursuant to
20 collaborative practice arrangements. Any rules relating to dispensing or distribution of
21 medications or devices by prescription or prescription drug orders under this section shall be
22 subject to the approval of the state board of pharmacy. In order to take effect, such rules shall
23 be approved by a majority vote of a quorum of each board. Neither the state board of registration
24 for the healing arts nor the board of nursing may separately promulgate rules relating to
25 collaborative practice arrangements. Such jointly promulgated rules shall be consistent with
26 guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall
27 not extend to collaborative practice arrangements of hospital employees providing inpatient care
28 within hospitals as defined pursuant to chapter 197, RSMo.

29 4. The state board of registration for the healing arts shall not deny, revoke, suspend or
30 otherwise take disciplinary action against a physician for health care services delegated to a
31 registered professional nurse provided the provisions of this section and the rules promulgated
32 thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action
33 imposed as a result of an agreement between a physician and a registered professional nurse or
34 registered physician assistant, whether written or not, prior to August 28, 1993, all records of
35 such disciplinary licensure action and all records pertaining to the filing, investigation or review
36 of an alleged violation of this chapter incurred as a result of such an agreement shall be removed
37 from the records of the state board of registration for the healing arts and the division of
38 professional registration and shall not be disclosed to any public or private entity seeking such
39 information from the board or the division. The state board of registration for the healing arts
40 shall take action to correct reports of alleged violations and disciplinary actions as described in
41 this section which have been submitted to the National Practitioner Data Bank. In subsequent
42 applications or representations relating to his medical practice, a physician completing forms or
43 documents shall not be required to report any actions of the state board of registration for the
44 healing arts for which the records are subject to removal under this section.

45 5. **Within thirty days of any change and on each renewal, the state board of**
46 **registration for the healing arts shall require every physician to identify whether the**
47 **physician is engaged in any collaborative practice agreement or physician assistant**
48 **agreement and also report to the board the name of each licensed professional with whom**
49 **the physician has entered into such agreement. The board may make this information**
50 **available to the public. The board shall track the reported information and may routinely**
51 **conduct random reviews of such agreements to ensure that agreements are carried out for**
52 **compliance under this chapter.**

53 **6.** Notwithstanding anything to the contrary in this section, a registered nurse who has
54 graduated from a school of nurse anesthesia accredited by the Council on Accreditation of
55 Educational Programs of Nurse Anesthesia or its predecessor and has been certified or is eligible
56 for certification as a nurse anesthetist by the Council on Certification of Nurse Anesthetists shall
57 be permitted to provide anesthesia services without a collaborative practice arrangement
58 provided that he or she is under the supervision of an anesthesiologist or other physician, dentist,
59 or podiatrist who is immediately available if needed.

 334.706. 1. The board shall license applicants who meet the qualifications for athletic
2 trainers, who file for licensure, and who pay all fees required for this licensure.

3 2. The board shall:

4 (1) Prescribe application forms to be furnished to all persons seeking licensure pursuant
5 to sections 334.700 to 334.725;

6 (2) [Prepare and conduct examinations for applicants for licensure pursuant to sections
7 334.700 to 334.725;

8 (3)] Prescribe the form and design of the licensure to be issued pursuant to sections
9 334.700 to 334.725;

10 [(4)] (3) Set the fee for examination, licensure, and renewal thereof;

11 [(5)] (4) Keep a record of all of its proceedings regarding the Missouri athletic trainers
12 act and of all athletic trainers licensed in this state;

13 [(6)] (5) Annually prepare a roster of the names and addresses of all athletic trainers
14 licensed in this state, copies of which shall be made available upon request to any person paying
15 the fee therefor;

16 [(7)] (6) Set the fee for the roster at an amount sufficient to cover the actual cost of
17 publishing and distributing the roster;

18 [(8)] (7) Appoint members of the Missouri athletic trainer advisory committee;

19 [(9)] (8) Adopt an official seal.

20 3. The board may:

21 (1) Issue subpoenas to compel witnesses to testify or produce evidence in proceedings
22 to deny, suspend, or revoke a license or licensure;

23 (2) Promulgate rules pursuant to chapter 536, RSMo, in order to carry out the provisions
24 of sections 334.700 to 334.725;

25 (3) Establish guidelines for athletic trainers in sections 334.700 to 334.725.

26 4. No rule or portion of a rule promulgated under the authority of sections 334.700 to
27 334.725 shall become effective unless it has been promulgated pursuant to the provisions of
28 section 536.024, RSMo.

334.708. 1. Any person seeking licensure pursuant to sections 334.700 to 334.725 **after August 28, 2006**, must be a resident or in the process of establishing residency in this state and must [meet at least one set of the following qualifications:

(1) Has met all of the National Athletic Trainers Association certification qualifications;

(2) Holds a degree in physical therapy with at least a minor in physical education or health which included a basic athletic training course and has spent at least two academic years, military duty included, working under the direct supervision of a certified athletic trainer;

(3) Can show proof acceptable to the board of experience and educational quality equal to that in subdivision (1), and can pass the examination for licensure pursuant to sections 334.700 to 334.725] **have passed the National Athletic Trainers Association Board of Certification, or its successor agency, examination.**

2. The board shall grant, without examination, licensure to any qualified nonresident athletic trainer holding a license or licensure in another state if such other state recognizes licenses or licensure of the state of Missouri in the same manner.

334.715. 1. The board may refuse to license any applicant or may suspend, revoke, or refuse to renew the license of any licensee for any one or any combination of the causes provided in section 334.100, or if the applicant or licensee:

(1) Violated or conspired to violate any provision of sections 334.700 to 334.725 or any provision of any rule promulgated pursuant to sections 334.700 to 334.725; or

(2) Has been found guilty of unethical conduct as defined in the ethical standards of the National Athletic Trainers Association or the National Athletic Trainers Association Board of Certification, **or its successor agency**, as adopted and published by the committee and the board and filed with the secretary of state.

2. Upon receipt of a written application made in the form and manner prescribed by the board, the board may reinstate any license which has expired, been suspended or been revoked or may issue any license which has been denied; provided, that no application for reinstatement or issuance of license or licensure shall be considered until at least six months have elapsed from the date of denial, expiration, suspension, or revocation when the license to be reinstated or issued was denied issuance or renewal or was suspended or revoked for one of the causes listed in subsection 1 of this section.

334.721. 1. Nothing in sections 334.700 to 334.725 shall be construed to authorize the practice of medicine by any person not licensed by the state board of registration for the healing arts.

2. The provisions of sections 334.700 to 334.725 shall not apply to the following persons:

- 6 (1) Physicians and surgeons licensed by the state board of registration for the healing
7 arts;
- 8 (2) Dentists licensed by the Missouri dental board who confine their practice strictly to
9 dentistry;
- 10 (3) Optometrists licensed by the state board of optometry who confine their practice
11 strictly to optometry, as defined in section 336.010, RSMo;
- 12 (4) Nurses licensed by the state board of nursing who confine their practice strictly to
13 nursing;
- 14 (5) Chiropractors licensed by the state board of chiropractic examiners who confine
15 themselves strictly to the practice of chiropractic, as defined in section 331.010, RSMo;
- 16 (6) Podiatrists licensed by the state board of chiropody or podiatry who confine their
17 practice strictly to that of a podiatrist, as defined in section 330.010, RSMo;
- 18 (7) Professional physical therapists licensed by the state board of registration for the
19 healing arts who confine their practice strictly to professional physical therapy, as defined in
20 section 334.500;
- 21 (8) Coaches and physical education instructors in the performance of their duties;
- 22 (9) [Apprentice] Athletic [trainers] **training students** who confine themselves strictly
23 to their duties as defined in sections 334.700 to 334.725;
- 24 (10) Athletic trainers from other nations, states, or territories performing their duties for
25 their respective teams or organizations if they restrict their duties only to their teams or
26 organizations and only during the course of their teams' or organizations' stay in this state.

337.500. As used in sections 337.500 to 337.540, unless the context clearly requires
2 otherwise, the following words and phrases mean:

- 3 (1) "Committee **or board**", the committee for professional counselors;
- 4 (2) "Department", the Missouri department of economic development;
- 5 (3) "Director", the director of the division of professional registration in the department
6 of economic development;
- 7 (4) "Division", the division of professional registration;
- 8 (5) "Licensed professional counselor", any person who offers to render professional
9 counseling services to individuals, groups, organizations, institutions, corporations, government
10 agencies or the general public for a fee, monetary or otherwise, implying that the person is
11 trained, experienced, and licensed in counseling, and who holds a current, valid license to
12 practice counseling;
- 13 (6) "Practice of professional counseling", rendering, offering to render, or supervising
14 those who render to individuals, couples, groups, organizations, institutions, corporations,
15 schools, government agencies, or the general public any counseling service involving the

16 application of counseling procedures, and the principles and methods thereof, to assist in
17 achieving more effective intrapersonal or interpersonal, marital, decisional, social, educational,
18 vocational, developmental, or rehabilitative adjustments;

19 (7) "Professional counseling", includes, but is not limited to:

20 (a) The use of verbal or nonverbal counseling or both techniques, methods, or procedures
21 based on principles for assessing, understanding, or influencing behavior (such as principles of
22 learning, conditioning, perception, motivation, thinking, emotions, or social systems);

23 (b) Appraisal or assessment, which means selecting, administering, scoring, or
24 interpreting instruments designed to assess a person's or group's aptitudes, intelligence, attitudes,
25 abilities, achievement, interests, and personal characteristics;

26 (c) The use of referral or placement techniques or both which serve to further the goals
27 of counseling;

28 (d) Therapeutic vocational or personal or both rehabilitation in relation to coping with
29 or adapting to physical disability, emotional disability, or intellectual disability or any
30 combination of the three;

31 (e) Designing, conducting, and interpreting research;

32 (f) The use of group methods or techniques to promote the goals of counseling;

33 (g) The use of informational and community resources for career, personal, or social
34 development;

35 (h) Consultation on any item in paragraphs (a) through (g) above; and

36 (i) No provision of sections 337.500 to 337.540, or of chapter 354 or 375, RSMo, shall
37 be construed to mandate benefits or third-party reimbursement for services of professional
38 counselors in the policies or contracts of any insurance company, health services corporation or
39 other third-party payer;

40 (8) "Provisional licensed professional counselor", any person who is a graduate of an
41 acceptable educational institution, as defined by division rules, with at least a master's degree
42 with a major in counseling, or its equivalent, and meets all requirements of a licensed
43 professional counselor, other than the supervised counseling experience prescribed by
44 subdivision (1) of section 337.510, and who is supervised by a person who is qualified for the
45 practice of professional counseling.

337.510. 1. Each applicant for licensure as a professional counselor shall furnish
2 evidence to the committee that[:

3 (1) The applicant has met any one of the three following education-experience
4 requirements:

5 (a) The applicant has received a doctoral degree with a major in counseling, or its
6 equivalent, from an acceptable educational institution, as defined by division rules, and has

7 completed at least one year of acceptable supervised counseling experience subsequent to receipt
8 of the doctoral degree; or

9 (b) The applicant has received a specialist's degree with a major in counseling, or its
10 equivalent, from an acceptable educational institution, as defined by division rules, and has
11 completed at least one year of acceptable supervised counseling experience subsequent to receipt
12 of the specialist's degree; or

13 (c) The applicant has received at least a master's degree with a major in counseling, or
14 its equivalent, from an acceptable educational institution as defined by division rules, and has
15 completed two years of acceptable supervised counseling experience subsequent to receipt of the
16 master's degree. An applicant may substitute thirty semester hours of post-master's graduate
17 study, or their equivalent, for one of the two required years of acceptable supervised counseling
18 experience, if such hours are clearly related to the field of professional counseling and are earned
19 from an acceptable educational institution;

20 (2)] the applicant is at least eighteen years of age, is of good moral character, is a
21 United States citizen or is legally present in the United States; and

22 (1) The applicant has completed a course of study as defined by the board rule
23 leading to a master's, specialist's, or doctoral degree with a major in counseling; and

24 (2) The applicant has completed acceptable supervised counseling experience as
25 defined by board rule. If the applicant has a master's degree with a major in counseling
26 experience subsequent to the receipt of the master's degree. The composition and number
27 of hours comprising the acceptable supervised counseling experience shall be defined by
28 board rule. An applicant may substitute thirty semester hours of post master's graduate
29 study for one of the two required years of acceptable supervised counseling experience if
30 such hours are clearly related to counseling.

31 (3) After August 28, 2007, each applicant shall have completed a minimum of three
32 hours of graduate level coursework in diagnostic systems **either** in the curriculum leading to [his
33 or her] a degree **or as post master's graduate level course work;**

34 [(3)] (4) Upon examination, the applicant is possessed of requisite knowledge of the
35 profession, including techniques and applications, research and its interpretation, and
36 professional affairs and ethics.

37 2. [A licensed professional counselor who has had no violations and no suspensions and
38 no revocation of a license to practice professional counseling in any jurisdiction may receive a
39 license in Missouri provided said licensed professional counselor passes a written examination
40 on Missouri laws and regulations governing the practice of professional counseling as defined
41 in section 337.500, and meets one of the following criteria:

42 (1) Is a member in good standing and holds a certification from the National Board for
43 Certified Counselors;

44 (2) Is currently licensed or certified as a licensed professional counselor in another state,
45 territory of the United States, or the District of Columbia; and

46 (a) Meets one of the educational standards set forth in paragraphs (a) and (b) of
47 subdivision (1) of subsection 1 of this section;

48 (b) Has been licensed for the preceding five years; and

49 (c) Has had no disciplinary action taken against the license for the preceding five years;

50 or

51 (3) Is currently licensed or certified as a professional counselor in another state, territory
52 of the United States, or the District of Columbia that extends like privileges for reciprocal
53 licensing or certification to persons licensed by this state with similar qualifications.

54 3.] Any person who previously held a valid unrevoked, unsuspended license as a
55 professional counselor in this state and who held a valid license as a **professional counselor** in
56 another state at the time of application to the committee shall be granted a license to engage in
57 professional counseling in this state upon application to the committee accompanied by the
58 appropriate fee as established by the committee pursuant to section 337.507.

59 **3. Any person holding a current license, certificate of registration, or permit from**
60 **another state or territory of the United States to practice as a professional counselor may**
61 **be granted a license without examination to engage in the practice of professional**
62 **counseling in this state upon the application to the board, payment of the required fee as**
63 **established by the board, and satisfying one of the following requirements;**

64 (1) **Approval by the American Association of State Counseling Boards (AASCB)**
65 **or its successor organization according to the eligibility criteria established by AASCB.**
66 **The successor organization shall be defined by board rule; or**

67 (2) **In good standing and currently certified by the National Board for Certified**
68 **Counselors or its successor organization and has completed acceptable supervised**
69 **counseling experience as defined by board rule. The successor organization shall be**
70 **defined by board rule; or**

71 (3) **Determination by the board that the requirements of the other state or territory**
72 **are substantially the same as Missouri and certified by the applicant's current licensing**
73 **entity that the applicant has a current license. The applicant shall also consent to**
74 **examination of any disciplinary history.**

75 4. The committee shall issue a license to each person who files an application and fee
76 [as required by the provisions of sections 337.500 to 337.540] and who furnishes evidence
77 satisfactory to the committee that the applicant has complied with the provisions [of subdivisions

78 (1) and (2) of subsection 1 of this section or with the provisions of subsection 2 or 3] of this
79 [section] **act and has taken and passed a written, open-book examination on Missouri laws**
80 **and regulations governing the practice of professional counseling as defined in section**
81 **337.500.** The division shall issue a provisional professional counselor license to any applicant
82 who meets all requirements [of subdivisions (1) and (2) of subsection 1] of this section, but who
83 has not completed the required [one or two years of] acceptable supervised counseling
84 experience [required by paragraphs (a) to (c) of subdivision (1) of subsection 1 of this section,]
85 and such applicant may reapply for licensure as a professional counselor upon completion of
86 such acceptable supervised counseling experience.

87 5. All persons licensed to practice professional counseling in this state shall pay on or
88 before the license renewal date a renewal license fee and shall furnish to the committee
89 satisfactory evidence of the completion of the requisite number of hours of continuing education
90 **as required by rule**, which shall be no more than forty hours biennially. The continuing
91 education requirements may be waived by the committee upon presentation to the committee of
92 satisfactory evidence of the illness of the licensee or for other good cause.

337.615. 1. Each applicant for licensure as a clinical social worker shall furnish
2 evidence to the committee that:

3 (1) The applicant has a master's degree from a college or university program of social
4 work accredited by the council of social work education or a doctorate degree from a school of
5 social work acceptable to the committee;

6 (2) The applicant has completed three thousand hours of supervised clinical experience
7 with a licensed clinical social worker acceptable to the committee, as defined by rule, in no less
8 than twenty-four months and no more than forty-eight consecutive calendar months;

9 (3) The applicant has achieved a passing score, as defined by the committee, on an
10 examination approved by the committee. The eligibility requirements for such examination shall
11 be promulgated by rule of the committee;

12 (4) The applicant is at least eighteen years of age, is of good moral character, is a United
13 States citizen or has status as a legal resident alien, and has not been convicted of a felony during
14 the ten years immediately prior to application for licensure.

15 2. [A licensed clinical social worker who has had no violations and no suspensions and
16 no revocation of a license to practice clinical social work in any jurisdiction may receive a
17 license in Missouri provided said clinical social worker passes a written examination and] **Any**
18 **person holding a current license, certificate of registration, or permit from another state**
19 **or territory of the United States or the District of Columbia to practice clinical social work**
20 **who has had no disciplinary action taken against the license, certificate of registration, or**

21 **permit for the preceding five years may be granted a license to practice clinical social work**
22 **in this state if the person** meets one of the following criteria:

23 (1) [Is currently licensed or certified as a licensed clinical social worker in another state,
24 territory of the United States, or the District of Columbia; and

25 (a) Who] Has received a masters or doctoral degree from a college or university program
26 of social work accredited by the council of social work education[;

27 (b)] **and has been licensed to practice clinical social work** for the preceding five years;
28 [and

29 (c) Has had no disciplinary action taken against the license for the preceding five years;]
30 or

31 (2) Is currently licensed or certified as a clinical social worker in another state, territory
32 of the United States, or the District of Columbia [that extends like privileges for reciprocal
33 licensing or certification to persons licensed by this state with similar qualifications] **having**
34 **substantially the same requirements as this state for clinical social workers.**

35 3. The committee shall issue a license to each person who files an application and fee
36 as required by the provisions of sections 337.600 to 337.639 and who furnishes evidence
37 satisfactory to the committee that the applicant has complied with the provisions of subdivisions
38 (1) to (4) of subsection 1 of this section or with the provisions of subsection 2 of this section.
39 The committee shall issue a provisional clinical social worker license to any applicant who meets
40 all requirements of subdivisions (1), (3) and (4) of subsection 1 of this section, but who has not
41 completed the twenty-four months of supervised clinical experience required by subdivision (2)
42 of subsection 1 of this section, and such applicant may reapply for licensure as a clinical social
43 worker upon completion of the twenty-four months of supervised clinical experience.

340.222. A supervisor, as defined in subdivision [(17)] **(19)** of section 340.200, is
2 individually and separately responsible and liable for the performance of the acts delegated to
3 and the omissions of the veterinary technician, veterinary medical candidate, temporary licensee,
4 veterinary medical preceptee, unregistered assistant or any other individual working under his
5 or her supervision. Nothing in this section shall be construed to relieve veterinary technicians,
6 veterinary medical candidates, provisional licensees, temporary licensees, veterinary medical
7 preceptees or unregistered assistants of any responsibility or liability for any of their own acts
8 or omissions.

340.234. 1. If the board determines that the applicant possesses the proper qualifications
2 as set forth in subsection 3 of section 340.228, it shall admit the applicant to the next scheduled
3 examination.

4 2. Applicants shall submit an application and the registration and examination fees [at
5 least sixty days prior to taking the examination] **as required by rule of the board.**

6 3. The board shall establish the requirements for a passing score on the examination. In
7 order for a previous examination score to be transferred for a current licensing period, the score
8 must have been received within five years prior to the application. If that passing score was not
9 received within three attempts, the board may require the applicant to appear before the board
10 or submit evidence that the applicant has completed at least thirty hours of board-approved
11 continuing education. The board shall have sole discretion on whether to accept for transfer a
12 score from another state's licensing authority.

13 4. If all the other requirements of sections 340.200 to 340.330 have been met, the board
14 shall issue licenses to the persons who successfully completed the examination. The executive
15 director shall record the new licenses.

16 5. If the board determines that the applicant is eligible for licensure without examination
17 through the reciprocity provision of section 340.238, the board may grant the applicant a license
18 without examination.

621.100. 1. Upon receipt of a written complaint from an agency named in section
2 621.045 in a case relating to a holder of a license granted by such agency, or upon receipt of such
3 complaint from the attorney general, the administrative hearing commission shall cause a copy
4 of said complaint to be served upon such licensee in person or by certified mail, together with
5 a notice of the place of and the date upon which the hearing on said complaint will be held. **If**
6 **service cannot be accomplished in person or by certified mail, notice by publication as**
7 **described in subsection 3 of section 506.160, RSMo, shall be allowed; any commissioner is**
8 **authorized to act as a court or judge would in that section, and any employee of the**
9 **commission is authorized to act as a clerk would in that section.** In any case initiated upon
10 complaint of the attorney general, the agency which issued the license shall be given notice of
11 such complaint and the date upon which the hearing will be held by delivery of a copy of such
12 complaint and notice to the office of such agency or by certified mail. Such agency may
13 intervene and may retain the services of legal counsel to represent it in such case.

14 2. In any case initiated under this section, the custodian of the records of an agency may
15 prepare a sworn affidavit stating truthfully pertinent information regarding the license status of
16 the licensee charged in the complaint, including only: the name of the licensee; his license
17 number; its designated date of expiration; the date of his original Missouri licensure; the
18 particular profession, practice or privilege licensed; and the status of his license as current and
19 active or otherwise. This affidavit shall be received as substantial and competent evidence of
20 the facts stated therein notwithstanding any objection as to the form, manner of presentment or
21 admissibility of this evidence, and shall create a rebuttable presumption of the veracity of the
22 statements therein; provided, however, that the procedures specified in section 536.070, RSMo,

23 shall apply to the introduction of this affidavit in any case where the status of this license
24 constitutes a material issue of fact in the proof of the cause charged in the complaint.

621.110. Upon a finding in any cause charged by the complaint for which the license
2 may be suspended or revoked as provided in the statutes and regulations relating to the
3 profession or vocation of the licensee, the commission shall deliver or transmit by [certified]
4 mail to the agency which issued the license the record and a transcript of the proceedings before
5 the commission together with the commission's findings of fact and conclusions of law. The
6 commission may make recommendations as to appropriate disciplinary action but any such
7 recommendations shall not be binding upon the agency. A copy of the findings of fact,
8 conclusions of law and the commission's recommendations, if any, shall be [served upon]
9 **delivered or transmitted by mail to the licensee [in person or by certified mail] if the licensee's**
10 **whereabouts are known, and to any attorney who represented the licensee.** Within thirty
11 days after receipt of the record of the proceedings before the commission and the findings of fact,
12 conclusions of law, and recommendations, if any, of the commission, the agency shall set the
13 matter for hearing upon the issue of appropriate disciplinary action and shall notify the licensee
14 of the time and place of the hearing, provided that such hearing may be waived by consent of the
15 agency and licensee where the commission has made recommendations as to appropriate
16 disciplinary action. In case of such waiver by the agency and licensee, the recommendations of
17 the commission shall become the order of the agency. The licensee may appear at said hearing
18 and be represented by counsel. The agency may receive evidence relevant to said issue from the
19 licensee or any other source. After such hearing the agency may order any disciplinary measure
20 it deems appropriate and which is authorized by law. In any case where the commission fails to
21 find any cause charged by the complaint for which the license may be suspended or revoked, the
22 commission shall dismiss the complaint, and so notify all parties.

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